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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/45/763)]

45/140. Office of the United Nations High Commissioner for Refugees

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The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office, 1/ as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of its forty-first session, 2/ noting the statement made by the Officer-in-Charge of the Office of the High Commissioner on 15 November 1990, 3/ and having considered the report of the Secretary-General on the International Conference on Indo-Chinese Refugees, 4/

Recalling its resolutions 44/137 and 44/138 of 15 December 1989,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, as well as the fundamental

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1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12 (A/45/12).

2/ Ibid., Supplement No. 12A (A/45/12/Add.1).

3/ See A/C.3/45/SR.43.

4/ A/45/449.

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importance of the High Commissioner's international protection function and the need for States to co-operate with the High Commissioner in the exercise of this primary and essential responsibility,

Noting with satisfaction that one hundred and seven States are now parties to the 1951 Convention 5/ and/or the 1967 Protocol 6/ relating to the Status of Refugees,

Welcoming the valuable support extended by Governments to the Office of the High Commissioner in carrying out its humanitarian tasks,

Noting with concern that refugee protection continues to be seriously jeopardized in many States, including through expulsion, refoulement and other threats to the physical security, dignity and well-being of refugees,

Commending the Office of the High Commissioner for its efforts to continue to address the special problems and needs of refugee and displaced women and children, who in many cases are exposed to a variety of difficult situations affecting their physical and legal protection as well as their psychological and material well-being,

Emphasizing the need for States to assist, on as wide a basis as possible, the efforts of the Office of the High Commissioner in its search for durable and timely solutions to the problems of refugees based on new approaches that meet the current size and characteristics of these problems and are built on respect for fundamental human rights and basic internationally agreed protection principles and concerns,

Aware of the need for the international community to continue to provide adequate resettlement opportunities for those refugees for whom no other durable solution is in sight,

Commending those States which, despite severe economic and development problems of their own, continue to admit large numbers of refugees and displaced persons of concern to the Office of the High Commissioner into their territories, and emphasizing the need to share the burden of these States to the maximum extent possible through international assistance, including development-oriented assistance,

Aware also that the application of the principle of international solidarity implies an improved sharing of responsibilities and arrangements between relevant agencies of the United Nations system and other concerned governmental and non-governmental organizations for the financing and implementation of related activities and that such activities need also include specific development assistance to avert new flows of refugees as well as to solve problems of refugees and returnees and areas hosting them,

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5/ United Nations, Treaty Series, vol. 189, No. 2545.

6/ Ibid., vol. 606, No. 8791.

Commending the Office of the High Commissioner and its staff for the dedicated manner in which they discharge their responsibilities, and paying tribute to those staff members who have endangered their lives in the course of their duties,

1. Strongly reaffirms the fundamental nature of the function of the Office of the United Nations High Commissioner for Refugees to provide international protection and the need for States to co-operate fully with the Office in fulfilling this function, in particular by acceding to and fully and effectively implementing the relevant international and regional refugee instruments;

2. Recognizes the urgent need to put all issues related to refugees, asylum-seekers and other migratory flows firmly on the international political agenda, especially in view of the fortieth anniversary of the Office of the High Commissioner and the 1951 Convention relating to the Status of Refugees, and in this connection welcomes initiatives to promote further awareness of and support for the Office, including accessions to this instrument;

3. Calls upon all States to refrain from taking measures that jeopardize the institution of asylum, in particular returning or expelling refugees and asylum-seekers contrary to fundamental prohibitions against these practices, and urges States to ensure proper determination procedures and to continue to give humane treatment and to grant asylum to refugees;

4. Condemns violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks on refugee camps and settlements, forced recruitment into armed forces and other forms of violence, and reiterates the conclusions on military and armed attacks on refugee camps and settlements adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its thirty-eighth session; 7/

5. Calls upon States to give high priority to the rights of refugee children and to their survival, protection and development as reflected in the Convention on the Rights of the Child 8/ and in the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 9/ adopted by the World Summit for Children in New York on 30 September 1990;

6. Endorses the High Commissioner's policy on refugee women, which provides for the integration of refugee women into all the programmes of the Office of the High Commissioner, as well as the conclusion on refugee women and international

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7/ Official Records of the General Assembly, Forty-second Session, Supplement No. 12A (A/42/12/Add.1), para. 206.

8/ Resolution 44/25, annex.

9/ A/45/625, annex.

protection adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session; 10/

7. Urges States, relevant agencies of the United Nations system and other international intergovernmental and non-governmental organizations to support the implementation of the policy on refugee women through their own efforts;

8. Recognizes the importance of attaining durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees and to facilitate the solution of existing problems;

9. Underlines the concept of State responsibility particularly as it relates to the countries of origin, including addressing root causes and facilitating voluntary repatriation and the return of their nationals who are not refugees;

10. Urges all States to support the Office of the High Commissioner in its efforts to search for durable solutions to the problem of refugees and displaced persons of concern to the Office, primarily through voluntary repatriation or return, which remain the most desirable solution to the problem of refugees, or, wherever appropriate, through integration into countries of asylum or through resettlement in third countries;

11. Welcomes the decision of the Executive Committee of the Programme of the High Commissioner at its extraordinary session in May 1990 to adopt the report of the Temporary Working Group 11/ established by the Executive Committee at its fortieth session, and calls upon all parties concerned to continue to implement the recommendations contained in that report;

12. Endorses the decisions on administrative and financial matters adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session, 12/ and notes with satisfaction the efforts under way to find an appropriate mechanism that will address the need of the High Commissioner to have a higher degree of flexibility to ensure funding of ongoing needs under approved general programmes and of initial emergency needs under special programmes pending the receipt of contributions pledged;

13. Calls upon the High Commissioner to sustain his efforts in assuring greater inter-agency co-operation in responding to the needs of refugees and, in particular, in seeking to complement the Office's humanitarian endeavours with development initiatives from specialized agencies so as to attain, in an effective

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10/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12A (A/45/12/Add.1), para. 23.

11/ A/AC.96/742.

12/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12A (A/45/12/Add.1), para. 29.

and efficient manner, further and more concrete results towards achieving durable solutions, and calls also upon the member Governments to support these efforts in the governing bodies of these agencies;

14. Welcomes Economic and Social Council resolution 1990/78 of 27 July 1990, in which, inter alia, the Council requested the Secretary-General, within existing resources, to initiate, with a view to recommending ways of maximizing co-operation and co-ordination among the various organizations of the United Nations system, a system-wide review to assess the experience and capacity of these organizations in the co-ordination of assistance to all refugees, displaced persons and returnees, and the full spectrum of their needs, in supporting the efforts of the affected countries, and to report on the results to the Economic and Social Council at its second regular session of 1991;

15. Endorses the conclusion on the note on international protection adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session, 13/ in which, in particular, the Executive Committee recognized the importance of human rights and humanitarian principles and recognized that the current size and characteristics of the refugee and asylum problem necessitate appropriate reassessment of international responses to the problem to date, with a view to developing comprehensive approaches to meet present realities, and at the same time noted the difference between refugees and persons seeking to migrate for economic and related reasons;

16. Also endorses, with these objectives in mind, the conclusion on solutions and protection adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session, 14/ in which the Executive Committee noted the establishment of the Working Group on Solutions and Protection, which will present a report to the Executive Committee at its forty-second session;

17. Further endorses the conclusions of the Executive Committee of the Programme of the High Commissioner at its forty-first session on the implementation of the Comprehensive Plan of Action for Indo-Chinese Refugees 15/ and on repatriation to Cambodia, 16/ welcomes the decision of the Secretary-General to designate the High Commissioner as his Special Representative to co-ordinate efforts with all parties concerned to promote the phased and orderly return of non-refugees in a manner that is fully compatible with the humanitarian mandate of his Office and under conditions of safety and dignity, and requests the Secretary-General to continue to monitor closely the progress towards the implementation of these conclusions and to report to the General Assembly at its forty-sixth session;

13/ Ibid., para. 21.

14/ Ibid., para. 22.

15/ Ibid., para. 25.

16/ Ibid., para. 26.

18. Endorses the conclusions on the International Conference on Central American Refugees 17/ and on the situation of refugees in Africa, 18/ adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session, and calls upon the Office of the High Commissioner and all other parties concerned to continue their efforts in implementing these conclusions;

19. Expresses deep appreciation for the valuable material and humanitarian response of receiving countries, in particular those developing countries which, despite limited resources, continue to admit large numbers of refugees and asylum-seekers on a permanent or temporary basis;

20. Urges the international community, including non-governmental organizations, in accordance with the principle of international solidarity and in the spirit of burden-sharing, to continue to assist the countries referred to in paragraph 19 above and the High Commissioner in order to enable them to cope with the additional burden that the care for refugees and asylum-seekers represents;

21. Calls upon all Governments to contribute to the High Commissioner's programmes and, taking into account the need to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are met.

68th plenary meeting
14 December 1990

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The General Assembly,

Recalling its resolutions 1166 (XII) of 26 November 1957, 2956 B (XXVII) of 12 December 1972, 3271 B (XXIX) of 10 December 1974 and 35/41 B of 25 November 1980 in connection with the Emergency Fund of the United Nations High Commissioner for Refugees,

Noting with appreciation the work of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in relation to the funding and administration of programmes and projects, including those aimed at responding to emergency situations,

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17/ Ibid., para. 27.

18/ Ibid., para. 28.

Authorizes the Executive Committee of the Programme of the United Nations High Commissioner for Refugees to determine in future the terms and conditions for the operation of the Emergency Fund of the United Nations High Commissioner for Refugees.

68th plenary meeting
14 December 1990